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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/593,631

10/25/2006

Antti Makinen

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25944 7590 11/10/2010  
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EXAMINER

LITHGOW, THOMAS M

ART UNIT

PAPER NUMBER

1776

NOTIFICATION DATE

DELIVERY MODE

11/10/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com  
jarmstrong@oliff.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/593,631	<b>Applicant(s)</b> MAKINEN ET AL.	
	<b>Examiner</b> Thomas M. Lithgow	<b>Art Unit</b> 1776	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 20,22-24 and 29-32 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☒ Claim(s) 29 is/are allowed.
- 6) ☒ Claim(s) 20,22-24 and 30-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 20, 22-24 and 30-32 are rejected under 35 U.S.C. 102(b) as being anticipated by any one of Stancliffe (US 4762581) or Foster (US 2607104) or JP 2004-052188 or GB 851192. Stancliffe '581 discloses a multilayer porous structure (see fig. 2 or 5) which includes opposed top and bottom layers 2,5 respectively and a shrink layer 1 which is woven [2,23; 3, 43] with the other layers and then shrunk to form a porous structure which is capable of being used as a filter cloth. Applicant is also directed toward the fig. 5 embodiment which has an outer layer 2 and a shrinkable "outer" layer 1. Foster '104 are similar with a 2 or 3 ply structure made from at least layer of shrinkable yarn with a special note regarding the fig. 7 embodiment with the two "outer" surfaces as recited in claim 20. JP '188 has a two layer fabric with a shrink layer (top) and a non-shrink layer (bottom) in Fig. 2. GB

'192 has a multilayer fabric (see fig. 2) with a shrinkable fiber 12 and non-shrinking fibers 13. Applicant asserts that Stancliffe '581 is not a filtration cloth as recited by the claims but is merely a soil retention structure.

Applicant notes the mesh pitch for the non-shrink mesh at 5-11mm. In addition to a soil retention device other uses noted by Stancliffe '581 include carpet underlay, and side safety mats. As a soil retention device the function is to retain soil (solids) while allowing water to pass there through [3, 40+]. This is the same function that a "filter cloth" seeks to achieve. As such, the structure of Stancliffe '581 is capable of being used as a filter and the rejection is maintained. Foster '104 discloses a permeable fabric which applicant asserts is not a "filter cloth". It is well known to employ clothing fabrics as water filters to remove sediment from natural water sources in an effort to secure "drinkable" water when one is remotely located from municipal water sources as one might encounter in a hunting or survival situation. As such, the cloth fabric of Foster '104 is considered capable of being used as a filter and the rejection is maintained. Regardless of the wording of the English abstract of JP '188, figure 2 shows a corrugated layer opposed to an even layer. Applicant's original specification does not

appear to literally support the use of the phrase “entirely corrugated”. So if applicant’s filter “cloth” is entirely corrugated, then so is that of GB ‘192.

***Allowable Subject Matter***

3. Claim 29 is allowed.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Lithgow whose telephone number is 571-272-1162. The examiner can normally be reached on Mon. -Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Thomas M. Lithgow/

Primary Examiner, Art Unit 1776

Thomas M. Lithgow  
Primary Examiner  
Art Unit 1776

TML